

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 05-10153-GAO
	)	
JIANGYO ZHU and	)	
KAYOKO KIMBARA	)	
	)	
Defendants	)	
	)	

**THIRD JOINT MOTION TO STAY REFERRAL OF CASE TO  
DISTRICT COURT AND FOR EXCLUDABLE DELAY**

The parties jointly move for a further stay in the referral of this case to the district court. As grounds, the parties state that by electronic order dated February 17, 2006, this Court granted two prior motions filed by the parties seeking extensions of time within which to conduct negotiations concerning the potential resolution of this matter through pre-trial diversion. The parties' prior motions collectively sought to extend until February 10, 2006 the referral of this case to the district court, in order to permit additional time for the parties to conduct their discussions.

The parties' discussions remain ongoing. One issue, in particular, has arisen that is presently the subject of review by a legal specialist who was not previously a participant in the negotiations. Following the completion of that review, the parties expect to be in a position to notify the court whether this case will be resolved by agreement, or not.

Accordingly, in order to permit time for the foregoing process to be completed, the parties jointly move that the Court further extend until March 24, 2006 the referral of this case to the district court. In conjunction with that request, the parties also jointly move that the Court

exclude under the Speedy Trial Act the period of time from February 10, 2006 to March 24, 2006 [42 days] in the interests of justice, pursuant to 18 U.S.C. § 3161(h)(8)(A).

Respectfully submitted,

JIANGYO ZHU

MICHAEL J. SULLIVAN

By his attorney,

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KAYOKO KIMBARA

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Date: February 23, 2006